

1 TUCKER ELLIS LLP
 David J. Steele - SBN 209797
 david.steele@tuckerellis.com
 2 Howard A. Kroll - SBN 100981
 howard.kroll@tuckerellis.com
 3 Steven E. Lauridsen - SBN 246364
 steven.lauridsen@tuckerellis.com
 4 515 South Flower Street
 5 Forty-Second Floor
 Los Angeles, CA 90071
 6 Telephone: 213.430.3400
 Facsimile: 213.430.3409
 7

8 Attorneys for Plaintiffs,
 Facebook, Inc. and Instagram, LLC

9 UNITED STATES DISTRICT COURT

10 NORTHERN DISTRICT OF CALIFORNIA

11 FACEBOOK, INC., a Delaware corporation and
 12 INSTAGRAM, LLC, a Delaware limited liability
 company,

13 Plaintiffs,

14 v.

15 9 XIU NETWORK (SHENZHEN) TECHNOLOGY
 16 CO., LTD. a/k/a JIUXIU NETWORK
 (SHENZHEN) TECHNOLOGY CO., LTD.;
 17 9 XIU FEISHU SCIENCE AND TECHNOLOGY
 COMPANY LTD.;
 18 9 XIUFEI BOOK TECHNOLOGY CO., LTD.;
 19 HOME NETWORK (FUJIAN) TECHNOLOGY
 CO., LTD.;
 20 WEI GAO a/k/a GAO WEI;
 ZHAOCHUN LIU a/k/a/ LIU ZHAOCHUN; and
 21 ZHAOPING LIU a/k/a LIU ZHAOPING,

22 Defendants.
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Case No. 4:19-cv-1167-JST

**DECLARATION OF CELESTE INGALLS IN
 SUPPORT OF PLAINTIFFS' THIRD
 MOTION TO CONTINUE CASE
 MANAGEMENT CONFERENCE [L.R. 6-
 1(B)]**

CURRENT DATE: December 17, 2019
 PROPOSED DATE: March 17, 2020

TIME: 2:00 p.m.
 CTRM: Oakland 6 - 2nd Floor

Hon. Jon S. Tigar

1 I, Celeste Ingalls, declare as follows:

2 1. I am employed by Alan H. Crowe & Associates, Inc. dba Crowe Foreign Services,
3 1020 SW Taylor Street, Suite 240, Portland, Oregon, and have specialized in the service of civil process
4 in foreign countries for more than twenty-three years. I am a citizen of the United States, am over the age
5 of twenty-one, and am neither a party in this action nor an attorney for any party in this action. I make this
6 declaration of my personal knowledge and, if called as a witness, would testify competently to each of the
7 following facts.

8 2. I have been retained to effect service of process upon Defendants 9 Xiu Network
9 (Shenzhen) Science and Technology Co., Ltd. a/k/a Jiuxiu Network (Shenzhen) Science and Technology
10 Co., Ltd., 9 Xiu Feishu Science and Technology Company Ltd., 9 Xiufei Book Technology Co., Ltd.,
11 Home Network (Fujian) Technology Co., Ltd., Wei Gao a/k/a Gao Wei, Zhaochun Liu a/k/a Liu
12 Zhaochun, and Zhaoping Liu a/k/a Liu Zhaoping in China.

13 3. The United States and China are signatories to the Convention on the Service Abroad of
14 Judicial and Extrajudicial Documents in Civil and Commercial Matters, Nov. 15, 1965, 20 U.S.T. 361,
15 658 U.N.T.S. 163 (the "Hague Service Convention").

16 4. In accordance with Rule 4(f) of the Federal Rules of Civil Procedure, service outside the
17 United States is subject to the provisions of the Hague Service Convention.

18 5. I have lectured to state and county bar, and other professional, associations on the
19 mechanics and requirements of process service in foreign countries.

20 6. Since 2003, I have attended, at special invitation as a private expert, all Special
21 Administrative Sessions of the Hague Conference in The Hague, Netherlands, at which each signatory
22 country was represented by their respective Judicial Authorities to discuss the practical mechanics of, and
23 problems encountered in dealing with, the Hague Service Convention as it applies to each country's laws
24 and interpretations of the Hague Service Convention and its obligations. Each signatory country has the
25 discretion to interpret the Hague Service Convention articles in a way that conforms to its internal law.

26 7. The Ministry of Justice in China has declared that it formally objects to the service of
27 process by private individuals and has designated the Hague Service Convention, through China's
28 designated central authority, as the authorized method of service within its territory.

8. China declared that all documents to be served in accordance with the Hague Service Convention must be translated into Chinese.

9. On May 9, 2019, I initiated the process with the Central Authority for China to cause the following documents, with Chinese translations of all, to be served upon the defendants in this action in accordance with the Hague Service Convention:

- a. Complaint with all Exhibits;
- b. Civil Cover Sheet;
- c. Certificate of Interested Parties;
- d. Corporate Disclosure Statement;
- e. Report on the Filing or Determination of an Action Regarding a Patent or Trademark;
- f. Issued Summons;
- g. Case Assignment to Judge Tigar;
- h. Order Setting Initial Case Management Conference;
- i. Standing Order All Judges;
- j. Judge Tigar's Standing Order;
- k. Notice of Video;
- l. Notice of Availability of Magistrate Judge;
- m. Electronic Case Filing (ECF) Registration Information Handout; and
- n. Filing Procedures for San Francisco Division.

10. Federal Express confirms that the above-referenced documents were received by the Central Authority for China on June 17, 2019.

11. No signatory nation is obligated under the Hague Service Convention to provide status with respect to service of documents in its possession, and the China courts generally do not provide such status updates. In addition, the Hague Service Convention does not impose an obligatory time frame for service.

12. The service situation with China remains frustrating and unbending and the current Hague service times have increased exponentially. The Ministry of Justice for China issued a statement that completion of the service process will take up to two years, with proofs of service often being returned up

1 to five months or more after service occurs and with there being no ability to obtain any status update
2 during this two-year service period other than confirmation that the request for service was received and
3 issued to an appropriate Chinese court for execution.

4 13. There is no provision within the articles or framework of the Hague Service Convention
5 for enforcement of a signatory country's actions and obligations and we are instructed to be patient and
6 simply wait for the Chinese courts to complete service and return a Hague certificate of service.

7 I declare under penalty of perjury under the laws of the United States that the foregoing is true and
8 correct and that this declaration was executed on November 25, 2019 in Portland, Oregon.
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11 
12 CELESTE INGALLS

CERTIFICATE OF SERVICE**STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

I declare that I am a citizen of the United States and a resident of Los Angeles, California or employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is Tucker Ellis LLP, 515 South Flower Street, Forty-Second Floor, Los Angeles, California 90071-2223.

On **November 26, 2019**, I served the following: **DECLARATION OF CELESTE INGALLS IN SUPPORT OF PLAINTIFFS' THIRD MOTION TO CONTINUE CASE MANAGEMENT CONFERENCE [L.R. 6-1(B)]** on the interested parties in this action as follows:

9 Xiu Network (Shenzhen) Tech. Co., Ltd.
a/k/a Jiuxiu Network (Shenzhen) Tech. Co., Ltd.

9 Xiu Feishu Science and Tech. Co., Ltd.
9 Xiufei Book Technology Co., Ltd.
Home Network (Fujian) Tech. Co., Ltd.
Wei Gao a/k/a Gao Wei

No. 112, Shanghai V Gu, 1 Hao Chengshi
 Yongxian Road, Maantang Community,
 Bantian Street, Longgand District, Shenzhen
 Email: 262740299@qq.com
 493661190@qq.com
 793661190@qq.com
 geeai@qq.com
 zubin878@foxmail.com

Zhaochun Liu a/k/a Liu Zhaochun

1002C, 10th Floor, Build A, Haide Building,
 Nan Xin Road Xiang Nan,
 Nan Shan Street, Nanshan District, Shenzhen
 Email: Anly2016@qq.com
 416257666@qq.com
 32687976006@qq.com

Zhaoping Liu a/k/a Liu Zhaoping

1002C, 10th Floor, Build A, Haide Building,
 Nan Xin Road Xiang Nan,
 Nan Shan Street, Nanshan District, Shenzhen
 Email: 416257666@qq.com
 3200369367@qq.com

DEFENDANTS

- (X) **BY EMAIL:** the above-entitled document to be served electronically by email.
- (X) **BY MAIL:** By placing a true copy thereof enclosed in a sealed envelope(s) addressed as above, and placing each for collection and mailing on the below indicated day following the ordinary business practices at Tucker Ellis LLP. I certify I am familiar with the ordinary business practices of my place of employment with regard to collection for mailing with the United States Postal Service. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit or mailing affidavit.
- (X) **FEDERAL:** I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on **November 26, 2019**, at Los Angeles, California.


 Deborah DeLuna